

State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

S000585

2005, 2006, 2007

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Owner(s) of Record:

JOHN M SEPULVEDA TRUST

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

Primary Contact:

DONNA M BREITEL
2016 E CALAVERAS RD
MILPITAS, CA 95035

Agent:

Address:

*INACTIVE
EWRIMS/BR*

Phone No. 209-392-6437

Fax No.

E-mail Address:

Phone No.

Fax No.

E-mail Address:

AUG 12 2009

Source Name: ARROYO DE LOS COCHES

Tributary To:

County: Santa Clara

Diversion within: 1/4 of 1/4 Section 4, T 6 S, R 1 E, MDB&M

Year of First Use: 1835

Name of Diversion works:

**Assessor Parcel Number
of the Diversion site:**

A. **Water is Used Under:** Riparian claim ___ Pre-1914 claim ___ Court Decree No.: ___ Other (explain): ___

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) ___

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:
Gallons per minute (gpm) ___ Gallons per day (gpd) ___ Cubic feet per second (cfs) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005													
2006													
2007													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:
Gallons ___ Million Gallons (MG) ___ Acre-feet (AF) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005													
2006													
2007													

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation ___ acres; Stockwatering ___; Domestic ___;
Other (specify) _____

Parcel Number(s) of Place of Use: _____

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.) _____

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ___ NO ___
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:
Year ___ (AF/MG) Year ___ (AF/MG) Year ___ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
I have data to support the above surface water use reductions due to the use of groundwater. YES _____ NO _____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: _____, 20_____ at _____, California

SIGNATURE: _____

PRINTED NAME: _____
(first name) (middle initial) (last name)

COMPANY NAME: _____

ITEM CONTINUATION If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S000585%S%2004

2002, 2003, 2004

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.

Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by JULY 1, 2005.

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: JOHN M SEPULVEDA TRUST;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

DONNA M BREITEL
2016 E CALAVERAS RD
MILPITAS, CA 95035

STATEMENT NO.: S000585
CONTACT PHONE NO.: (408) 262-0379

209-392-6437

Source Name: ARROYO DE LOS COCHES

Tributary To: PENITENCIA CREEK

County: Santa Clara

Year of First Use: 1835

Diversion Within: 1/4 of 1/4 Section 04, T06S, R01E, MB&M

Parcel Number:

A. **Water is Used Under:** Riparian claim S Pre-1914 right _____ Other (explain): _____

B. **Year of First Use:** (Please provide if missing above) _____

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)			Acre-feet (AF)			Other			Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2002													
2003													
2004													

D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) _____

E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES _____ NO _____
Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

WRM 6-2-05 PLM

5-11-05
JLM

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ____ NO ____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO ____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ____ NO ____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: March 15, 2005 at Des Plaines, Maryland, California

SIGNATURE: [Signature]

PRINTED NAME: Donna M. Breitel
(first name) (middle initial) (last name)

COMPANY NAME: Solomon Morpheo Spaulding Trust - Terminated Aug. 2004

If there is insufficient space for your answers, please use the space provided below.

ITEM

CONTINUATION

Property sold Aug. 2004

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

KRB
file

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

98 FEB 27 PM 10:42

If the information below is inaccurate, please line it out in red and provide current information.

Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1998

OWNER OF RECORD: JOHN M SEPULVEDA *Trust*

JOHN M SEPULVEDA *Trust - Donna M. Breitels, Successor Trustee*
2016 E CALAVERAS RD
MILPITAS, CA 95035

STATEMENT NO: S000585



SOURCE: ARROYO DE LOS COCHES
TRIBUTARY TO: PENITENCIA CREEK
COUNTY: SANTA CLARA
DIVERSION

TELEPHONE NUMBER:

(408) 262-~~1835~~ 0379

YEAR OF FIRST USE: 1835

PARCEL NO:

WITHIN: $\frac{1}{4}$ OF $\frac{1}{4}$ SECTION 4, T6S, R1E, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right _____; Other (explain): _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) _____

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1995													
1996													
1997													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic ☒ During times of
Other (specify) *Refining*

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: *Feb 5*, 1998 at *Milpitas*

California

SIGNATURE: *Donna M. Breitels* Trustee *John M. Sepulveda* Trust

PRINTED NAME: *Donna M. Breitels* (FIRST NAME) *Trustee* (MIDDLE INIT.) *John M. Sepulveda* (LAST NAME) Trust

COMPANY NAME: _____

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

*WRMS
UPDATED
3/3/98
KRB*

① Water used for domestic yard watering during times
of Rationing.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of Water Diversion and Use must be filed by a riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockpounds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: JOHN M SEPULVEDA TRUST

DONNA M BREITEL
2016 E CALAVERAS RD
MILPITAS, CA 95035

STATEMENT NO: S000585

SOURCE: ARROYO DE LOS COCHES
TRIBUTARY TO: PENITENCIA CREEK
COUNTY: SANTA CLARA
DIVERSION
WITHIN: ¼ OF ¼ SECTION 4, T6S, R1E, MB&M.

TELEPHONE NUMBER:
(408) 262-0379
YEAR OF FIRST USE: 1835
PARCEL NO:

A. **Water is used under:** Riparian claim X Pre 1914 right _____ Other (explain): _____

B. **Year of first use** (Please provide if missing above) _____

C. **Amount of Use** - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons 2 Acre-feet 0 Other 0

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996													
1997													
1998													

D. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic X

Other (specify) _____

E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Describe any water conservation efforts you may have started: _____

b. _____

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO X

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. BOX 2000, SACRAMENTO, CA 95812-2000

(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____

- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: April 22, 19 99 at M. J. Peters - Santa Clara Co., California

SIGNATURE: [Signature]

PRINTED NAME: Donna M. Breitels
(first name) (middle init.) (last name)

COMPANY NAME: John Morgan Sepulveda Living Trust

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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5-585
12-12-95
PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S000585

OWNER OF RECORD: JOHN M SEPULVEDA

JOHN M SEPULVEDA

2016 CALAVERAS ROAD

MILPITAS, CA 95035

E. Calaveras Blvd,

SOURCE: ARROYO DE LOS COCHES

TRIBUTARY TO: PENITENCIA CREEK

COUNTY: SANTA CLARA

DIVERSION

WITHIN: ¼ OF ¼ SECTION 4, T6S, R1E, MDB&M.

TELEPHONE NUMBER:

(408) 262-1839

YEAR OF FIRST USE: 1835

PARCEL NO: 088-16-041

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

1995

COMPLETE AND RETURN THIS FORM BY JULY 1, _____.

A. Water is used under: Riparian claim _____; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992													0
1993													33,000
1994					X	X	X	X	X				

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 1+ acres; Stockwatering _____; Domestic X Gardens

Other (specify) _____

*** CONTINUE ON BACK PAGE ***

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- F. If part of the water listed in Part G consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: March 27, 1995, at Milpitas, California

SIGNATURE: [Signature]

PRINTED NAME: Donna M. Bacitels-Successor
(FIRST NAME) (M. NAME) (LAST NAME) Trustee

COMPANY NAME: John Morgan Sepulveda Living Trust

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockpounds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. 5000585

DIVERSION SITE:

OWNER'S NAME John Morgan Sepulveda Living Trust
(FIRST) (MIDDLE) (LAST)

PARCEL NO. 088-16-041

PLACE OF USE:

OWNER'S NAME John Morgan Sepulveda Living Trust
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. 088-16-041

2. PARCEL NO. _____

3. PARCEL NO. _____

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER Successor Trustee

NAME Donna Marilyn (Sepulveda) Breitels
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 2016 E. Calaveras Blvd.
Milpitas, CA 95035
(CITY) (STATE) (ZIP)

TELEPHONE NO. (408) 262 - 0379

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____
(CITY) (STATE) (ZIP)

TELEPHONE NO. () -

2. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____
(CITY) (STATE) (ZIP)

TELEPHONE NO. () -

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 000585

JOHN M SEPULVEDA Estate
2015 CALAVERAS ROAD
MILPITAS, CA 95035

Donna M. Brewster, Trustee
L.O.S. signed and Dated 12/10/92

TELEPHONE NUMBER:
(408) 262-4639 0379

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: ARROYO DE LOS COCHES

TRIBUTARY TO: PENITENCIA CREEK

COUNTY: SANTA CLARA

YEAR OF FIRST USE: 1835

DIVERSION

WITHIN: 1/4 OF 1/4 SECTION 04, T06S, R01E, MDB&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) 1835

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991	Drought - Check Dug												0
1992	Check Dug												0
1993						6,000	6,000	6,000	6,000	6,000			30,000

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 1+ acres; Stockwatering _____; Domestic ☒
Other (specify) _____

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/29, 1994, at Milpitas, California

Signature:

[Signature]
Donna M. Brewster
John M. Sepulveda

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockpounds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P STREET SACRAMENTO, CA 95814
916 322-4503

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

JOHN M SEPULVEDA
2016 CALAVERAS ROAD
MILPITAS, CA 95035

STATEMENT NO: 000585

TELEPHONE NUMBER:
(408) 262-1839

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: ARROYO DE LOS COCHES

TRIBUTARY TO: PENITENCIA CREEK

COUNTY: SANTA CLARA

DIVERSION

WITHIN: 1/4 OF 1/4 SECTION 04, T06S, R01E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons
☐ Acre-feet
☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988													
1989													
1990													

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) _____

Creek has been dry for many months. No water now.

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Jan 29-1991, 19 at Milpitas Ca 95035, California

Signature: _____

John M Sepulveda

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

585

STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water John M. Sepulveda
Address 2016 - Calaveras Rd. Milpitas

B. Name of body of water at point of diversion Los Coches Creek
Tributary to _____

C. Place of diversion 1/4 Section 1/4 Township Range 20M
Santallera County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works _____

E. Capacity of diversion works 250 gals. per minute
Capacity of storage reservoir _____
State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
			2	2	2								

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.
30 acres apricots

Maximum annual water use in recent years _____
Minimum annual water use in recent years _____
Type of diversion facility: gravity _____, pump ☒
Method of measurement: weir _____, flume _____, electric power meter _____, water meter _____, estimate _____

F. Purpose of use (what water is being used for) Irrigation

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)
Corner of Calaveras & Piedmont Rds.
(Milpitas Ranch, grant)
and Maria Aliso

H. Year of first use as nearly as known 1935

I. Name of person filing statement John M. Sepulveda
Position Owner Organization _____
Address 2016 - Calaveras Rd. Milpitas

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed April 18-1967
Signature John M. Sepulveda

See Instructions on Reverse Side